

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-2(c)

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In Re:

DIANNA GUADAGNINO,

Debtor.

Chapter 11

Case No.: 17-12951 (RG)

Judge: Rosemary Gambardella

Hearing Date: September 18, 2018
At 11:00 a.m.

**DEBTOR'S CERTIFICATION IN OPPOSITION TO THE APPLICATION OF
M&T BANK SEEKING RELIEF FROM THE AUTOMATIC STAY**

TO: HONORABLE ROSEMARY GAMBARDELLA, U.S.B.J.

Diana Guadagnino, being of full age, hereby certifies as follows:

1. My name is Dianna Guadagnino, the Debtor in the above captioned matter. I am submitting this Certification in opposition to the application of M&T Bank, N.A., as Successor Trustee in interest to Hudson City Savings Bank (the "Bank") seeking relief from the automatic stay regarding the real property located at 287 Communipaw Avenue, Jersey City, New Jersey 07304 (the "Premises").

2. As will be established herein, the Premises are insured, and are being maintained in good repair.

3. In addition, I submit that the arrears asserted by the Bank are overstated. In fact, I submit that the monthly arrears due to the Bank are for four (4) months only. Moreover, I already remitted two (2) monthly payments to the Bank this month, and will continue to remit "double

payments” until the arrears are fully cured.

4. In addition, I am nearing confirmation of my Small Business Debtor’s Combined Plan of Reorganization and Disclosure Statement (the “Plan”)

5. Accordingly, I respectfully request that the Bank’s application be denied.

INTRODUCTION

6. I am an individual residing at 287 Communipaw Avenue, Jersey City, New Jersey.

7. I own four (4) properties located in Jersey City at: (i) 104 Pine Street; (ii) 252 Suydam Street; (iii) 104 Lafayette Street; and (v) 287 Communipaw Avenue (collectively, the “Properties”).

8. The Properties are rented and generate regular income.

9. I filed a voluntary petition pursuant to Chapter 11 of the United States Bankruptcy Code on February 11, 2017.

10. Subsequently, I have remained in possession of the Properties and continued to manage same.

11. Pursuant to an Order dated March 22, 2017, I was authorized to utilize cash collateral generated by the Properties and remit adequate protection payments to, inter alia, the Bank (the “Cash Collateral Order”).

12. I anticipate confirming the Plan shortly (currently scheduled for a confirmation hearing this month).

I AM ADEQUATELY PROTECTING THE BANK PURSUANT TO THE CASH COLLATERAL ORDER.

13. I continue to maintain insurance upon the Premises. In addition, I have remitted monthly payments to the Bank in the amount of \$2,356.41 for most of the pendency of my Chapter 11 case. Upon information and belief, I was behind in 4 monthly payments - - however, I remitted

double payments this month.

14. Moreover, I propose to remit an extra payment during the months of October and November in order to fully “catch up” upon the mortgage arrears due to the Bank.


15. In addition, I continue to maintain the Premises in good repair, including repairs to the roof, installed new doors, repaired two (2) garage doors, installed a new electric box and made other repairs. I renovated both apartments and started finishing the basement. As a result, the property will have two (2) duplex apartments, whereas previously the two (2) apartments were one floor only. I also installed new kitchen floors, installed new heat in two (2) rooms, and installed a new electric box.

CONCLUSION

16. In light of the foregoing, to be supplemented upon oral argument of this application, I respectfully request the entry of an Order denying the Bank’s application.

I hereby certify that the foregoing statements are true. I am aware that if they are willfully false I may be subject to punishment.

Dated: September 12, 2018


/s/ Dianna Guadagnio
Dianna Guadagnio